



PATENT  
Docket No. 265.00230101

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s):	Stanton et al.	)	Group Art Unit:	1647
Serial No.:	09/641,801	)	Examiner:	Christopher Nichols
Confirmation No.:	5388	)		
Filed:	August 17, 2000	)		
For:	USE OF COLOSTRININ, CONSTITUENT PEPTIDES THEREOF, AND ANALOGS THEREOF FOR INDUCING CYTOKINES			

TERMINAL DISCLAIMER

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The Board of Regents, The University of Texas System is the owner of 100 percent interest in the instant application, as evidenced by an assignment recorded at Reel 011817, Frame 0099, on May 18, 2001, is the owner of 100 percent interest in U.S. Patent No. 6,500,798, as evidenced by an assignment recorded at Reel 011519, Frame 0229, on February 9, 2001, and is the owner of 100 percent interest in U.S. Patent Application Serial No. 09/641,802, filed August 17, 2000, as evidenced by an assignment recorded at Reel 011548, Frame 0826 on February 26, 2001. The owner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§154 to 156 and 173 as presently shortened by any terminal disclaimer, of prior U.S. Patent No. 6,500,798, issued December 31, 2002 or any patent granted on U.S. Patent Application Serial No. 09/641,802, filed August 17, 2000. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it, the prior patent, and any patent granted on the U.S. patent application, are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors, or assigns.

**Terminal Disclaimer**

Page 2 of 2

Applicant(s): Stanton et al.

Serial No. : 09/641,801

Filing Date: August 17, 2000

For: USE OF COLOSTRININ, CONSTITUENT PEPTIDES THEREOF, AND ANALOGS THEREOF FOR INDUCING CYTOKINES

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that the patent later: (1) expires for failure to pay a maintenance fee, (2) is held unenforceable, (3) is found invalid by a court of competent jurisdiction, (4) is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §1.321, (5) has all claims canceled by a reexamination certificate, (6) is reissued, or (7) is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

To the best of my knowledge and belief, title is in the assignee identified above.

I am empowered to sign this certificate on behalf of the assignee.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

The Board of Regents, The University of Texas System

July 26, 2004

Date

  
Signature

Cullen M. Godfrey

Typed or Printed Name

Vice Chancellor and General Counsel

Title

JUL 28 2004  
U.S. PATENT & TRADEMARK OFFICE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Stanton et al. )  
Serial No.: 09/641,801 )  
Confirmation No.: 5388 )  
Filed: August 17, 2000 )  
For: USE OF COLOSTRININ, CONSTITUENT PEPTIDES THEREOF, AND  
ANALOGS THEREOF FOR INDUCING CYTOKINES )  
Group Art Unit: 1647  
Examiner: Christopher Nichols  
Docket No. 265.00230101

Commissioner for Patents  
Mail Stop Amendment  
P.O. Box 1450  
Alexandria, VA 22313-1450

We are transmitting the following documents along with this Transmittal Sheet (which is submitted in triplicate):

- ☒ Small entity status is entitled to be asserted in the above-identified application.  
☒ An itemized return postcard.  
☒ A Supplemental Information Disclosure Statement (2 pgs), copies of 0 applications; 1449 forms (4 pgs);  
and copies of 48 documents cited on the 1449 forms.  
☒ Please charge Deposit Account No. 13-4895 in the amount of \$180.00 for the Supplemental  
Information Disclosure Statement Fee and \$55.00 for the Terminal Disclaimer Fee.  
☒ Other: Terminal Disclaimer (2 pgs.).  
☒ Amendment and Response (13 pgs.) ☒ No Additional fee is required. ☐ The fee has been  
calculated as shown:

Fee Calculation for Claims Pending After Amendment					
	Pending Claims after Amendment (1)	Claims Paid for Earlier (2)	Number of Additional Claims (1-2)	Cost per Additional Claim	Additional Fees Required
Total Claims				x \$9 =	
Independent Claims				x \$43 =	
One or More New Multiple Dependent Claims Presented? If Yes, Add \$145 Here →					
Total Additional Claim Fees Required					

Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers and please charge any additional fees or credit overpayment to Deposit Account No. 13-4895. Triplicate copies of this sheet are enclosed.

MUETING, RAASCH & GEBHARDT, P.A.  
Customer Number: 26813

By: Nancy A. Johnson  
Name: Nancy A. Johnson  
Reg. No.: 47,266  
Direct Dial: 612-305-4723  
Facsimile: 612-305-1228

CERTIFICATE UNDER 37 CFR §1.10:

"Express Mail" mailing label number: EV 201890414 US

Date of Deposit: July 28, 2004

I hereby certify that the Transmittal Letter and the paper(s) and/or fee(s), as described hereinabove, are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR §1.10 on the date indicated above and is addressed to the Commissioner for Patents, Mail Stop Amendment, P.O. Box 1450, Alexandria, VA 22313-1450.

By: SARA E. OLSON  
Name: SARA E. OLSON

(SMALL ENTITY TRANSMITTAL UNDER RULE 1.10)



PATENT  
Docket No. 265.00230101

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Stanton et al.	)	Group Art Unit:	1647
	)		
Serial No.: 09/641,801	)	Examiner:	Christopher Nichols
Confirmation No.: 5388	)		
	)		
Filed: August 17, 2000	)		
	)		
For: USE OF COLOSTRININ, CONSTITUENT PEPTIDES THEREOF, AND ANALOGS THEREOF FOR INDUCING CYTOKINES	)		

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

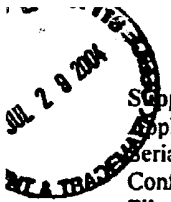
Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In compliance with the duty imposed by 37 C.F.R. § 1.56, and in accordance with C.F.R. §§ 1.97 *et. seq.*, the materials enclosed herewith are brought to the attention of the Examiner as possibly being of interest in connection with the above-identified patent application. Per M.P.E.P. § 609, the information cited in the present Supplemental Information Disclosure Statement shall not be construed to be an admission that the information is, or is considered to be, material to patentability. Consideration of each of the documents listed on the attached 1449 forms is respectfully requested. Pursuant to the provisions of M.P.E.P. §609, Applicants further request that a copy of the 1449 forms, marked as being considered and initialed by the Examiner, be returned with the next Official Communication.

Since this Supplemental Information Disclosure Statement is submitted after the receipt of an Office Action in the above-identified patent application, please charge Deposit Account No. 13-4895 the fee of \$180 under 37 C.F.R. §§1.97(c) and 1.17(p). Please charge any additional fees or credit any overpayment to Deposit Account No. 13-4895.

09/27/2004 15:00:00 00000000 12/02/04 00000000  
09/27/2004 15:00:00 00000000 12/02/04 00000000



Supplemental Information Disclosure Statement

Page 2 of 2

Applicant(s): Stanton et al.

Serial No.: 09/641,801

Confirmation No.: 5388


Filed: August 17, 2000

For: USE OF COLOSTRININ, CONSTITUENT PEPTIDES THEREOF, AND ANALOGS THEREOF FOR INDUCING CYTOKINES

The Examiner is invited to contact Applicants' Representatives at the below-listed telephone number, if they can be of any assistance during prosecution of the present application.

**CERTIFICATE UNDER 37 C.F.R. 1.10:**

The undersigned hereby certifies that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR §1.10 on the date indicated below and is addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

  
SARA E. OLSON

"Express Mail" mailing label number:

EV 201890414 US

Date of Deposit: July 28, 2004

Respectfully submitted for

Stanton et al.

By

Mueting, Raasch & Gebhardt, P.A.

P.O. Box 581415

Minneapolis, MN 55458-1415

Phone: (612)305-1220

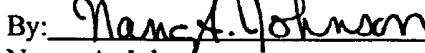
Facsimile: (612)305-1228

Customer Number 26813

July 28, 2004

Date

By:



Nancy A. Johnson

Reg. No. 47,266

Direct Dial (612)305-4723

# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Stanton et al. ) Group Art Unit: 1647  
 Serial No.: 09/641,801 ) Examiner: Christopher Nichols  
 Confirmation No.: 5388 ) Docket No. 265.00230101  
 Filed: August 17, 2000 )  
 For: USE OF COLOSTRININ, CONSTITUENT PEPTIDES THEREOF, AND  
 ANALOGS THEREOF FOR INDUCING CYTOKINES

Commissioner for Patents  
 Mail Stop Amendment  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

We are transmitting the following documents along with this Transmittal Sheet (which is submitted in triplicate):

- ☒ Small entity status is entitled to be asserted in the above-identified application.  
☒ An itemized return postcard.  
☒ A Supplemental Information Disclosure Statement (2 pgs), copies of 0 applications; 1449 forms (4 pgs); and copies of 48 documents cited on the 1449 forms.  
☒ Please charge Deposit Account No. 13-4895 in the amount of \$180.00 for the Supplemental Information Disclosure Statement Fee and \$55.00 for the Terminal Disclaimer Fee.  
☒ Other: Terminal Disclaimer (2 pgs).  
☒ Amendment and Response (13 pgs.) ☒ No Additional fee is required. ☐ The fee has been calculated as shown:

Fee Calculation for Claims Pending After Amendment					
	Pending Claims after Amendment (1)	Claims Paid for Earlier (2)	Number of Additional Claims (1-2)	Cost per Additional Claim	Additional Fees Required
Total Claims				x \$9 =	
Independent Claims				x \$43 =	
One or More New Multiple Dependent Claims Presented? If Yes, Add \$145 Here →					
Total Additional Claim Fees Required					

Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers and please charge any additional fees or credit overpayment to Deposit Account No. 13-4895. Triplicate copies of this sheet are enclosed.

MUETING, RAASCH & GEBHARDT, P.A.  
 Customer Number: 26813

By: Nancy A. Johnson  
 Name: Nancy A. Johnson  
 Reg. No.: 47,266  
 Direct Dial: 612-305-4723  
 Facsimile: 612-305-1228

## CERTIFICATE UNDER 37 CFR §1.10:

"Express Mail" mailing label number: EV 201890414 US

Date of Deposit: July 28, 2004

I hereby certify that the Transmittal Letter and the paper(s) and/or fee(s), as described hereinabove, are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR §1.10 on the date indicated above and is addressed to the Commissioner for Patents, Mail Stop Amendment, P.O. Box 1450, Alexandria, VA 22313-1450.

By: Sara E. Olson  
 Name: SARA E. OLSON

(SMALL ENTITY TRANSMITTAL UNDER RULE 1.10)